

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SALEM PREFERRED PARTNERS, LLC	:	
	:	
Plaintiff	:	
v.	:	1:12-CV-1202
	:	(JUDGE MARIANI)
DIAMOND HEAVY VEHICLE SOLUTIONS, LLC and JOSEPH WHITMAN, SR.	:	
	:	
Defendants	:	

ORDER

AND NOW, to wit, this **26TH DAY OF NOVEMBER, 2012**, upon consideration of Magistrate Judge Carlson's Report & Recommendation (Doc. 23) for clear error or manifest injustice, Defendants' Motion to Dismiss (Doc. 9), and all accompanying briefs and exhibits, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation (Doc. 23) is **ADOPTED**.
2. Defendants' Motion to Dismiss (Doc. 9) is **DENIED**.
3. The parties' submissions evidence their willingness to engage in mediation as they agreed to in the Assembly Services Agreement. (Doc. 1, Ex. J). Therefore, **WITHIN FORTY-FIVE (45) DAYS** of the date of this Order, the parties are directed to mediate their dispute pursuant to paragraph 6 (entitled "Cooperation and Dispute Resolution") of the Assembly Services Agreement.
4. The case is **STAYED** pending completion of mediation efforts.

5. Notwithstanding any statement in the Report & Recommendation arguably to the contrary, the Court finds that the process in which the parties are directed to engage in paragraph 3 above is mediation and not arbitration.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge